

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DR. JUDY WOOD on behalf
of the UNITED STATES OF AMERICA

Plaintiff,

VS.

SCIENCE APPLICATIONS
INTERNATIONAL CORP.; APPLIED
RESEARCH ASSOCIATES, INC.;
BOEING, NuSTATS; COMPUTER
AIDED ENGINEERING ASSOCIATES,
INC.; DATASOURCE, INC.;
GEOSTAATS, INC.; GILSANZ
MURRAY STEFICEK LLP; HUGHES
ASSOCIATES, INC.; AJMAL ABBASI;
EDUARDO KAUSEL; DAVID PARKS;
DAVID SHARP; DANIELE VENEZANO
JOSEF VAN DYCK; KASPAR WILLIAM
ROLF JENSEN & ASSOCIATES, INC.;
ROSENWASSER/GROSSMAN
CONSULTING ENGINEERS, P.C.;
SIMPSON GUMPERTZ & HEGER, INC.
S. K. GHOSH ASSOCIATES, INC.;
SKIDMORE, OWINGS & MERRILL,
LLP; TENG & ASSOCIATES, INC.;
UNDERWRITERS LABORATORIES,
INC.; WISS, JANNEY, ELSTNER
ASSOCIATES, INC.; AMERICAN
AIRLINES; SILVERSTEIN PROPERTIES
and UNITED AIRLINES,

Defendants.

Case No. 07CV3314 (GBD)

§APPLIED RESEARCH ASSOCIATES, INC.’S
§ MOTION TO DISMISS PURSUANT TO
§ FED. R. CIV. P. 12(b)(1), 12(b)(6), AND 9(b)

COMES NOW Defendant Applied Research Associates, Inc. ("ARA"), by and through counsel, and hereby submits its Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(1), 12(b)(6), and 9(b). In support of said Motion Defendant ARA submits herewith its Memorandum of Law.

WHEREFORE, for the reasons outlined in Section II of said Memorandum of Law, the Court lacks subject matter jurisdiction over Relator's FCA claims and, therefore, Causes of Action One, Two and Three must be dismissed. Furthermore, as set forth in Section III of Defendant's Memorandum of Law, Relator fails to state a claim upon which relief can be granted under Rule 12(b)(6). Finally, for the reasons set forth in Section IV of the Defendant's Memorandum of Law, the Relator fails to plead fraud with particularity under Rule 9(b). Accordingly, Defendant respectfully requests the Court dismiss with prejudice the Complaint in its entirety.

Dated: January 22, 2008
Denver, Colorado

s/ Wm. David Byassee

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Counsel for Applied Research Associates, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of January 2008, I electronically filed the foregoing **APPLIED RESEARCH ASSOCIATES, INC.'S MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(1), 12(b)(6), AND 9(b)** with the Clerk of Court using the CM/ECF system which will send notification of filing to the following e-mail addresses:

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And I hereby certify that I have mailed or served the document or paper to the following non-CM/ECF participants by U.S. Mail, first class, postage prepaid and addressed to the following:

None.

s/ Wm. David Byassee

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